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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,892	11/04/2003	Akihiko Sugikawa	244986US2RD	3483
22850 7590 03/12/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER FIELDS, COURTNEY D	
			ART UNIT 2137	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		03/12/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/699,892

Applicant(s)

SUGIKAWA, AKIHIKO

Examiner

Courtney D. Fields

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/4/04, 4/15/04, 4/27/04, 5/25/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are pending.

Information Disclosure Statement

2. The Information Disclosure Statements respectfully submitted on 04 February 2004, 15 April 2004, 27 April 2004, and 25 May 2006 have been considered by the Examiner.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 18-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of § 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and USPTO personnel should treat a claim for a computer

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program, without the computer-readable medium needed to realize the computer program's functionality, as nonstatutory functional descriptive material.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Billhartz (Pub No. 2004/0015689).

Referring to the rejection of claims 1 and 18, Billhartz discloses a wireless communication device, comprising:

a wireless communication unit which communicates with other communication device located at a prescribed range; (See Page 3, Section 0026)

a first identification information generator which generates first identification information including a service name of available service and inherent information; (See Page 3, Section 0027)

an encryption unit configured to encrypt said first identification information by using a prescribed encryption key to generate encryption data; (See Page 3, Section 0028)

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a second identification information generator which generates second identification information including the service name, the inherent information and the encryption data; (See Page 3, Section 0027)

and an inherent information transmitter which transmits the second identification information for an other communication device which has requested transmission of the inherent information. (See Page 2, Section 0024)

Referring to the rejection of claims 2 and 15, Billhartz discloses the claimed limitation wherein the first identification information generator uses a Hash value obtained by a Hash operation for data including the service name and the inherent information, as said first identification information. (See Page 3, Section 0033)

Referring to the rejection of claim 3, Billhartz discloses the claimed limitation wherein the second identification information generator generates the second identification information in which the encryption data is arranged after the service name, and information indicative of a length of the service name is arranged before the service name. (See Page 3, Section 0028)

Referring to the rejection of claim 4, Billhartz discloses the claimed limitation wherein the second identification information generator generates the second identification information in which information indicative of whether or not check of reliability is necessary is arranged before information indicative of a length of the service name. (See Page 3, Section 0029)

Referring to the rejection of claims 5 and 16, Billhartz discloses the claimed limitation wherein the wireless communication unit communicates with

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the other communication devices by P2P (Peer to Peer). (See Page 3, Section 0030)

Referring to the rejection of claims 6 and 17, Billhartz discloses the claimed limitation wherein the encryption unit encrypts again the first identification information to generate the encryption data, when an expiration data of the encryption key passes. (See Page 4, Section 0039)

Referring to the rejection of claims 7 and 19, Billhartz discloses a portable terminal, comprising:

a wireless communication unit which communicates with other communication devices located at a prescribed range; (See Page 2, Section 0024)

a search unit configured to search the other communication devices capable of communicating; (See Page 3, Section 0026)

an identification information acquisition unit which acquires first identification information transmitted from the searched communication device; (See Page 3, Section 0030)

an information extracting unit configured to extract a service name, inherent information and encryption data from the acquired first identification information; (See Page 3, Section 0031)

a decryption unit configured to decrypt the encryption data by using a prescribed decryption key; (See Page 3, Section 0033)

a comparison unit configured to compare the decrypted data with the service name and the inherent information extracted by said information

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extracting unit, and to determine whether or not the other communication device searched by said search unit is reliable; (See Page 3, Section 0033)

and a communication controller which inhibits communication with the communication device determined to be unreliable by said comparison unit. (See Page 3, Sections 0027 and 0034)

Referring to the rejection of claim 8, Billhartz discloses the claimed limitation wherein the information indicating unit which indicates to users information indicative of being unreliable when users try to connect to the communication device determined to be unreliable by said comparison unit. (See Page 3, Sections 0027 and 0034)

Referring to the rejection of claim 9, Billhartz discloses the claimed limitation wherein the a list register unit configured to register a list of the other communication devices determined to be unreliable by said comparison unit; (See Page 2, Section 0016)

wherein said communication controller inhibits communication with the communication devices registered to said list register unit. (See Page, 3, Sections 0027 and 0034)

Referring to the rejection of claim 10, Billhartz discloses the claimed limitation wherein the identification information acquisition means extracts data of a first length from a head of the information transmitted from the communication device searched by said search unit, and determines whether the information is the first identification information based on the extracted data. (See Page 3, Section 0031)

Referring to the rejection of claim 11, Billhartz discloses the claimed limitation wherein the information extracting unit extracts data of a second length from a head of the first identification information, and decides a length of the service name based on the extracted data. (See Page 3, Section 0031)

Referring to the rejection of claim 12, Billhartz discloses the claimed limitation wherein the information extracting means extracts data of a length of the decided service name from a head of data except for data of the first and second lengths from a head of the first identification information, as the service name. (See Page 3, Section 0031)

Referring to the rejection of claim 13, Billhartz discloses the claimed limitation wherein the information extracting unit extracts data of a third length from a head of data except for the first length, the second length and the length of the decided service name from the head of the first identification information, an inherent information. (See Page 3, Section 0031)

Referring to the rejection of claim 14, Billhartz discloses the claimed limitation wherein the information extracting means determines whether or not data except for the first length, the second length, the length of the decided service name, and the third length from a head of the first identification information is a fourth length, and if the data is the fourth length, extracts the data as the encryption data. (See Page 3, Section 0031)

Referring to the rejection of claim 20, Billhartz discloses a communication system comprising a portable terminal and a wireless communication unit

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capable of communicating with said portable terminal located at a prescribed range, wherein said portable terminal includes:

- a searching unit configured to search a communication device capable of communicating; (See Page 3, Section 0026)

- an identification information acquisition unit configured to acquire first identification information transmitted from the searched communication device; (See Page 3, Section 0030)

- an information extracting unit configured to extract a service name, inherent information and encryption data from the acquired first identification information; (See Page 3, Section 0031)

- a decryption unit configured to decrypt the encryption data by using a decryption key prescribed in advance; (See Page 3, Section 0033)

- a comparison unit configured to compare the decrypted data with the service name and the inherent information extracted by said information extraction unit, and determines whether or not the communication device searched by said searching unit is reliable; (See Page 3, Section 0033)

- and a communication controller which inhibits communication with the communication device determined to be unreliable by said comparison unit, said wireless communication unit includes: (See Page 3, Sections 0027 and 0034)

- an inherent information acquisition unit configured to acquire the inherent information; (See Page 2, Section 0024)

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a first identification information generator which generates first identification information including the service name and the inherent information; (See Page 3, Section 0027)

an encryption unit configured to encrypt the first identification information by using the encryption key prescribed in advance, and generates the encryption data; (See Page 3, Section 0028)

a second identification information generator which generates second identification information including the service name, the inherent information and the encryption data; (See Page 3, Section 0027)

and an inherent information transmitter which transmits the second identification information for the other communication device which has requested transmission of the inherent information. (See Page 2, Section 0024)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



cdf

March 3, 2007


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